THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9252 of 2007

Date: 30.04.2007

Between:

Dasari Yerrabbai and others

....Petitioners

and

The Joint Registrar/District Cooperative Officer, Machilipatnam, Krishna District and others

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9252 of 2007

O R D E R:

This writ petition is filed assailing the notice dated 21.4.2007 issued by the Tahsildar, Avanigadda Revenue Mandal, Krishna District-the 3rd respondent, requiring the petitioners to vacate the land in the light of the orders passed by this court in W.P.No.2773 of 2007.

The petitioners state that they are not given an opportunity and that this court has never directed the indiscriminate eviction of the petitioners. The petitioners urge that they are entitled for protection and the respondents are under obligation to follow the procedure prescribed under the law.

Heard the learned counsel for the petitioners and the learned Government Pleader for Cooperation, appearing for the respondents.

The impugned notice is issued by making a reference to the order of this court in W.P.No.2773 of 2007 dated 15.2.2007. On a complaint made by one of the members of the 5th respondent- society alleging that several non-members are in occupation of the lands allotted to the 5th respondent-Vijaya Bhaskara Cooperative Collective Farming Society, this court directed the officials of the Cooperative and

Revenue departments to take necessary steps in accordance with law, for removal of the encroachments.

Though the impugned notice is issued directing eviction of the petitioners, the petitioners can certainly put forward their claim before the Tahsildar-the 3rd respondent herein. In case they are able to prove that they are members of the 5th respondent- society, they can certainly seek protection of their rights. On the other hand, if the petitioners are not members of the society, they have no rights to continue in the possession of the land. At the most, they can be permitted to harvest the standing crop, if any.

Hence, this writ petition is disposed of directing that it shall be open to the petitioners to plead their case before the 2nd and 3rd respondents and place the relevant material to prove their membership or the fact that they are the legal heirs of any former member, within a period of 2 weeks from today. In case the petitioners are able to satisfy the respondents 2 and 3 about their claim, they shall not be evicted. On the other hand, if the petitioners are found to be non-members, they shall be liable to be evicted by permitting them to harvest the existing crop. No costs.

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L.NARASIMHA REDDY, J

30th April, 2007.
cvm